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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,975	09/20/2001	Shinichi Kikuchi	P 283733 T4KM-01S0951-1	1919
909	7590	01/04/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/955,975	<b>Applicant(s)</b> KIKUCHI ET AL.	
	<b>Examiner</b> HELEN SHIBRU	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/26/05, 10/02/03, 9/20/01</u> | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Murase (US Pat. No. 6,611,655).

Regarding claim 1, Murase discloses a digital recording/reproducing (see fig. 40) apparatus in which an information medium for storing audio-visual information corresponding to a plurality of types of audio languages and sound mode information associated with these audio languages is used (see col. 14 lines 41-55), wherein

said apparatus is configured to record the audio-visual information on the information medium or to reproduce the audio-visual information from the

information medium based on at least one of a plurality of different formats (see fig. 13 and 47, col. 14 line 30-col. 16 line 21 and col. 29 lines 23-41).

Regarding claim 2, Murase discloses a digital recording/reproducing apparatus in which an information medium for storing audio-visual information corresponding to a plurality of types of audio languages and sound mode information associated with these audio languages is used to perform recording or reproducing based on at least one of first and second formats (see fig. 13 and 47, col. 14 line 30-col. 16 line 21 and col. 29 lines 23-41), said apparatus comprising:

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a first judging section for judging whether said audio-visual information includes said plurality of types of audio languages (see fig. 48 and 49, col. 28 line 51-col. 29 line 9); and

a second judging section for judging whether a specified audio language set in said first format is applied to said second format, when said audio-visual information includes said plurality of types of audio languages (see col. 29 lines 10-34),

wherein the specified audio language is utilized in recording or reproducing based on said second format, when the specified audio language set in said first format is applied to said second format (see col. 15 line 56-col. 16 line 21 and col. 29 lines 35-48).

Regarding claim 3, Murase discloses second format has predetermined management information, the management information includes one or more pieces of stream information, and said sound mode information is recorded in each stream information (see col. 16 lines 5-21 and claim 1).

Regarding claim 4, Murase discloses audio data portion of said audio-visual information is recorded in said information medium by a data unit having a predetermined header (see col. 2 lines 29-36 and col. 3 line 45-col. 4 line 5), and said apparatus further comprises:

a first section for judging a sound mode of said audio data to be recorded in said information medium (see col. 4 lines 23-29); and

a second section for setting said judged sound mode in the header of said data unit (see col. 6 lines 30-59).

Regarding claim 5, Murase discloses records audio-visual information of television broadcast in a recordable optical disc, or reproduces the audio-visual

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information from the recorded optical disc (see col. 14 lines 56-62 and col. 15 lines 56-67), said apparatus comprising:

a bilingual broadcast detector for detecting whether said television broadcast is bilingual broadcast (see col. 14 lines 40-50 and col. 15 lines 10-24);

a sound changeover section for selecting and outputting a sound of a language corresponding to a specified audio language via said bilingual broadcast, when said television broadcast is the bilingual broadcast and the specified audio language set in reproducing the sound from said recorded optical disc is followed (see col. 16 lines 1-21); and

a sound output section for outputting the sound included in the audio-visual information of the broadcast as it is, when said television broadcast is not the bilingual broadcast (see col. 16 lines 1-4 and col. 29 lines 34-48).

Regarding claim 6, Murase discloses the apparatus having a function for recording audio-visual information of television broadcast in a recordable optical disc, or reproducing the audio-visual information from the recorded optical disc (see col. 10 lines 2-22 and col. 30 line 66-col. 31 line 3),

wherein an audio data portion of said audio-visual information is recorded as audio stream data in said recordable optical disc (see col. 14 lines 36-39 and col. 15 lines 43-67), and

the sound mode of said audio data to be recorded in said recordable optical disc is set and constituted as a part of said audio stream data (see col. 14 lines 56-62 and col. 29 lines 35-58).

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Regarding claim 7, Murase discloses the apparatus having information of a function for recording audio-visual television broadcast in a recordable optical disc, or reproducing the audio-visual information from the recorded optical disc (see col. 10 lines 2-22 and col. 30 line 66-col. 31 line 3),

wherein management information including one or more pieces of stream information is recorded in said recordable optical disc, and information of a sound mode is recorded in each piece of stream information (see col. 16 lines 5-21 and claim 1).

Regarding claim 8, Murase discloses a multilingual sound in a recordable optical disc, or reproducing the audio-visual information including the multilingual sound from the recorded optical disc (see col. 14 lines 40-50 and col. 15 lines 10-24),

wherein management information including one or more pieces of stream information is recorded in said recordable optical disc, and information of a sound mode is recorded in each piece of stream information (see col. 16 lines 5-21 and claim 1), and

during reproduction of said recordable optical disc, when said sound mode information extracted from said stream information indicates the multilingual sound, and if said recorded the multilingual language reproduced from optical disc is a specified language, then setting for outputting only a sound of a specified language is performed (see col. 16 lines 1-21).

Regarding claim 9, Murase discloses television broadcast in a recordable optical disc, or reproducing the audio-visual information from the recorded optical disc (see col. 10 lines 2-22, col. 14 lines 56-62, col. 15 lines 56-67 and col. 30 line 66-col. 31 line 3), said tuner comprising: a bilingual broadcast detector configured to detect whether said television broadcast is bilingual broadcast (see col. 14 line 40-50 and col. 15 lines 10-24);

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a sound changeover section configured to select and output a sound of a language corresponding to a specified audio language via said bilingual broadcast, when said television broadcast is the bilingual broadcast and the specified audio language set in reproducing the sound from said recorded optical disc is followed (see col. 16 lines 1-21); and

a sound output section configured to output the sound included in the audio-visual information of the broadcast as it is, when said television broadcast is not the bilingual broadcast (see col. 15 line 51-col. 16 line 4).

Regarding claim 10, Murase discloses a digital recording/reproducing method in which an information medium for storing audio-visual information corresponding to a plurality of types of audio languages and sound mode information associated with these audio languages is used to perform recording or reproducing based on at least one of first and second formats (see fig. 13 and 47, col. 14 line 30-col. 16 line 21, col. 29 lines 23-41, and col. 30 line 60-col. 31 line 3), said method comprising:

judging whether said audio-visual information includes said plurality of types of audio languages (see fig. 48 and 49, col. 28 line 51-col. 29 line 9);

judging whether a specified audio language set in said first format is applied to said second format when said audio-visual information includes said plurality of types of audio languages (see col. 29 lines 10-34); and

utilizing the specified audio language in recording or reproducing based on said second format, when the specified audio language set in said first format is applied to said second format (see col. 15 line 56-col. 16 line 21 and col. 29 lines 35-48).

### ***Conclusion***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES J. GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
December 29, 2005

  
ROBERT CHEVALIER  
PRIMARY EXAMINER